



OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1/13/76-PER (Vol. II)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11)/62-Goa dated 25th July, 1963, the Lt. Governor of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'C' Non-Ministerial, Non-Gazetted post of Asstt. Chemist/Asstt. Chemist (Microbiology) in the Public Works Department under the Government of Goa, Daman and Diu.

1. Short title. — These rules may be called Government of Goa, Daman and Diu, Public Works Department, Group 'C' Non-Ministerial, Non-Gazetted post of Asstt. Chemist/Asstt. Chemist (Microbiology) Recruitment Rules, 1983.

2. Application. — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. Number, classification and scales of pay. — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit and other qualifications. — The method of recruitment to the said posts, age limit, qualifications and other matters

connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule;
- (c) *Saving:* Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

6. These rules are issued in supersession of the rules existing for the post.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 21st July, 1983.

SCHEDULE

Name of the post	No of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruit will apply in the case of promoted	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D.P.C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment	
1	2	3	4	5	6	7	8	9	10	11	12	13	
1. Assistant Chemist/ Assistant Chemist (Micro- biology).	4 (1983)	Group 'C' (Non-Mi- nisterial, Non-Ga- zeted).	Rs. 550- -25-750- -EB-30- -900.	Selection	Not exceeding 30 years	Essential: A post graduate degree in Science with Che- mistry/Microbiology as a principle subject from a recognised Uni- versity or equivalent. OR with ins- tructions issued by the Cen- tral Go- vern- ment).	No	2 years	75% by promotion failing which by transfer on depu- tation.	Promotion: Technician with 5 years Laboratory experi- ence in the grade.	Group 'C'	N. A.	D.P.C.

Desirable:

- i) Experience in ana-
lysing samples in a
laboratory.
- ii) Knowledge of Kon-
kani and/or Mara-
thi.

Notification

1/13/76-PER Vol. II

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11)/62-Goa dated 25-7-1963, the Lt. Governor of Goa, Daman and Diu is pleased to make the following rules amending the Government of Goa, Daman and Diu, Public Works Department Group 'C' Non-Ministerial, Non-Gazetted post of Laboratory Technician Recruitment Rules, 1982, issued vide Notification No. 1/13/76-PER (Vol.III) dated 9-2-1982, published in the Official Gazette No. 47, Series I dated 18-2-1982.

1. **Short title and commencement:** — (i) These rules may be called "Government of Goa, Daman and Diu, Public Works Department Group 'C' Non-Ministerial, Non-Gazetted post of Laboratory Technician Recruitment (First Amendment) Rules 1983".

(ii) They shall come into force at once.

2. Against the entry in Col. 10 of the Schedule appended to the aforesaid notification substitute:—

"By direct recruitment failing which by transfer on deputation".

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 21st July, 1983.

Home Department (General)**Notification**

4/12/80-HD(G)/Part file

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Rules, 1965 is hereby published as required by sub-section (1) of Section 133 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Home Department (General), Secretariat, Panaji, before the expiry of fifteen days from the date of publication of this notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (3) of Section 133-A of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following

rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

1. **Short title and commencement:** — (1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Fifty-fourth Amendment) Rules, 1983.

(2) They shall come into force at once.

2. **Amendment of rule 10.5.** — For sub-rule (2) of rule 10.5 of the Goa, Daman and Diu Motor Vehicles Rules, 1965, the following sub-rule shall be substituted, namely:—

(2) Every Inspector of Motor Vehicles and Assistant Inspector of Motor Vehicles shall, while on duty, wear the uniform and insignia specified in Appendix "A". The Inspector of Motor Vehicles shall wear three stars and the Assistant Inspector of Motor Vehicles shall wear two stars."

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Home).

Panaji, 18th July, 1983.

Notification

4/30/81-HD(G)

Whereas certain draft rules, further to amend the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, were published as required by sub-section (1) of section 24 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (8 of 1974), in the Official Gazette Series I, No. 6 dated 12-5-1983 under the Notification No. 4/30/81-HD(G) dated 28-4-1983 of the Home Department (General), Government of Goa, Daman and Diu, Secretariat, Panaji, inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 12-5-1983;

And whereas no objections or suggestions have been received from the public on the said draft rules by the Government.

Now, therefore, in exercise of the powers conferred by clause (f) of sub-section (2) of section 24 read with sub-section (2) of section 11 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (8 of 1974), and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as further to amend the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, namely:—

1. **Short title and commencement:** — (1) These rules may be called the Goa, Daman and Diu Motor Vehicles Tax (Sixth Amendment) Rules, 1983.

(2) They shall come into force at once.

2. **Amendment of rule 22.** — In rule 22 of the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, in

sub-rule (1), for item (ix), the following item shall be substituted, namely:—

"(ix) Motor Vehicles other than transport vehicles, brought permanently in the Union territory—Total exemption for the period for which such vehicle has been taxed in any other State or Union territory in India wherefrom it has been so imported.”.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Home) to the Government of Goa, Daman and Diu.

Panaji, 22nd July, 1983.

Legislative Assembly of Goa, Daman and Diu
(Legislature Department)

LA/B/7/1217/83

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 22nd July, 1983 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Bill, 1983

(Bill No. 10 of 1983)

A

BILL

to regulate in the Union territory of Goa, Daman and Diu, the promotion of the construction of, the sale and management, and the transfer of flats on ownership basis.

Whereas, it has been noticed that, consequent on the acute shortage of housing in the several areas of the Union territory of Goa, Daman and Diu, sundry abuses, malpractices and difficulties relating to the promotion of the construction of, and the sale and management and transfer of flats taken on ownership basis exist, and are increasing;

And whereas, it is now expedient to make provision for the regulation of the promotion of the construction, sale and management and transfer of flats taken on ownership basis in the Union territory of Goa, Daman and Diu;

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows:

1. Short title, extent and commencement.—(1) This Act may be called the Goa, Daman and Diu Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1983.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force in such areas and on such dates as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas.

2. Definitions.—In this Act, unless the context otherwise requires,

(a) "Government" means Government of Goa, Daman and Diu;

(b) "Flat" means a separate and self contained set of premises used or intended to be used for residence, or office, or show-room or shop or godown and includes a garage, the premises forming part of a building and includes an apartment.

Explanation.—Notwithstanding that provision is made for sanitary, washing, bathing or other conveniences as common to two or more sets of premises, the premises shall be deemed to be separated and self-contained;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "promoter" means a person who constructs or causes to be constructed a block or building of flats for the purpose of selling some or all of them to other persons, or to a company, co-operative society or other association of persons, and includes his assignees; and where the person who builds and the person who sells are different persons, the term includes both;

(e) "Registrar" means the Registrar, Maharashtra Cooperative Societies Act, 1960 as extended to the Union territory of Goa, Daman and Diu, or as the case may be, in the Companies Act, 1956;

of 1961
Central
Act 1 of
1956.

(f) to construct a block or building of flats includes to convert a building or part thereof into flats.

3. General liabilities of promoter.—(1) Notwithstanding anything in any other law, a promoter who intends to construct or constructs a block or building of flats, all or some of which are to be taken or are taken on ownership basis, shall in all transactions with persons intending to take or taking one or more of such flats, be liable to give or produce, or cause to be given or produced, the information and the documents hereinafter in this section mentioned.

(2) A promoter, who constructs or intends to construct such block or building of flats, shall—

(a) make full and true disclosure of the nature of his title to the land on which the flats are constructed, or are to be constructed, such title to the land as aforesaid having been duly certified by an Advocate of not less than three years standing;

- (b) make full and true disclosure of all encumbrances on such land, including any right, title, interest or claim of any party in or over such land;
- (c) give inspection on seven days' notice or demand, of the plans and specifications of the building built or to be built on the land; such plans and specifications having been approved by the local authority which he is required so to do under any law for the time being in force;
- (d) disclose the nature of fixtures, fittings and amenities (including the provision for one or more lifts) provided or to be provided;
- (e) disclose on reasonable notice or demand if the promoter is himself the builder, the prescribed particulars as respects the design and the materials to be used in the construction of the building, and if the promoter is not himself the builder disclose, on such notice or demand, all agreements (and where there is no written agreement, the details of all agreements) entered into by him with the architects and contractors regarding the design, materials and construction of the buildings;
- (f) specify in writing the date by which possession of the flat is to be handed over (and he shall hand over such possession accordingly);
- (g) prepare and maintain a list of flats with their numbers already taken or agreed to be taken, and the names and addresses of the parties, and the price charged or agreed to be charged therefor, and the terms and conditions, if any on which the flats are taken or agreed to be taken;
- (h) state in writing, the precise nature of the organisation of persons to be constituted and to which title is to be passed, and the terms and conditions governing such organisation of persons who have taken or are to take the flats;
- (i) not allow persons to enter into possession until a completion certificate where such certificate is required to be given under any law, is duly given by the local authority (and no person shall take possession of a flat until such completion certificate has been duly given by the local authority);
- (j) make a full and true disclosure of all outgoings (including ground rent if any municipal or other local taxes, taxes on income, water charges and electricity charges, revenue assessment, interest on any mortgage or other encumbrances, if any);
- (k) make a full and true disclosure of such other information and document; in such manner as may be prescribed; and give on demand true copies of such of the documents referred to in any of the clauses of this sub-section as may be prescribed at a reasonable charge therefor.

4. Promoter before accepting advance payment or deposit to enter into agreement and agreement to be registered. — Notwithstanding anything contained in any other law, a promoter who intends to construct or constructs a block or building of flats, all or some of which are to be taken or are taken on ownership basis, shall, before he accepts any sum of money as advance payment or deposit, which shall not be more than 20 per cent of the sale price enter into a written agreement for sale with each of such persons who are to take or have taken such flats, and the agreement shall be registered under the Indian Registration Act, 1908 and such agreement shall contain the prescribed particulars; and to such agreement there shall be attached, such documents or copies thereof, in respect of such matters, as may be prescribed.

Central
Act XVI
of 1908.

5. Promoter to maintain separate account of sums taken as advance or deposit and to be trustee therefor and disburse them for purposes for which given. — The promoter shall maintain a separate account in any bank of sums taken by him, from persons intending to take or who have taken flats, as advance or deposit, including any sums so taken towards the share capital for the formation of a co-operative society or a company, or towards the outgoings (including ground rent if any, municipal or other local taxes, taxes on income, water charges, electricity charges, revenue assessment, interest on any mortgage or other encumbrances if any); and he shall hold the said moneys for the purposes for which they were given and shall disburse the moneys for those purposes and shall on demand in writing by an officer appointed by general or special order, by the Government for the purpose, make full and true disclosure of all transactions in respect of that account.

6. Responsibility for payment of outgoings till property is transferred. — A promoter shall, while he is in possession, and where he collects from persons who have taken over flats or are to take over flats sums for the payment of outgoings even thereafter, pay all outgoings (including ground rent, municipal or other local taxes, taxes on income, water charges, electricity charges, revenue assessment, interest on any mortgage or other encumbrances, if any), until he transfers the property to the persons taking over the flats, or to the organisation of any such persons.

7. After plans and specifications are disclosed no alterations or additions without consent of persons who have agreed to take the flats; and defects noticed within a year to be rectified. — (1) After the plans and specifications of the building, as approved by the local authority as aforesaid, are disclosed or furnished to the person who agrees to take one or more flats, the promoter shall not make —

- (i) any alterations in the structures described therein in respect of the flat or flats which are agreed to be taken, without the previous consent of that person; or

(ii) make any other alterations in the structure of the building, or construct any additional structures, without the previous consent of all the persons who have agreed to take the flats.

(2) Subject to sub-section (1), the building shall be constructed and completed in accordance with the plans and specifications aforesaid; and if any defect in the building or material used, or if any unauthorised change in the construction is brought to the notice of the promoter within a period of one year from the date of handing over possession, it shall wherever possible be rectified by the promoter without further charge to the persons who have agreed to take the flats, and in other cases such persons shall be entitled to receive reasonable compensation for such defect or change. Where there is a dispute as regards any defect in the building or material used, or any unauthorised change in the construction, or as to whether it is reasonably possible for the promoter to rectify any such defect or change, or as regards the amount of reasonable compensation payable in respect of any such defect or change which cannot be, or is not, rectified by the promoter, the matter shall, on payment of such fee as may be prescribed, be referred for decision to the Chairman of the Housing Board within a period of two years from the date of handing over possession. The Chairman of the Housing Board or such officer shall after inquiry record his decision, which shall be final.

8. Refund of amount paid with interest for failure to give possession within specified time or further time allowed.—If—

- (a) the promoter fails to give possession in accordance with the terms of his agreement of a flat duly completed by the date specified, or any further date or dates agreed to by the parties, or
- (b) the promoter for reasons beyond his control and of his agents, is unable to give possession of the flat by the date specified, or the further agreed date and a period of three months thereafter, or a further period of three months if those reasons still exist,

then, in any such case, the promoter shall be liable on demand (but without prejudice to any other remedies to which he may be liable) to refund the amounts already received by him in respect of the flat (with simple interest at nine per cent per annum from the date he received the sums till the date the amounts and interest thereon is refunded), and the amounts and the interest shall be a charge on the land and the construction if any thereon in which the flat is or was to be constructed, to the extent of the amount due, but subject to any prior encumbrances.

9. No mortgage etc., to be created without consent of parties after execution of agreement for sale.—No promoter shall, after he executes an agreement to sell any flat, mortgage or create a charge on the flat or the land, without the previous consent of the persons who take or agree to take the flats, and if any such mortgage or charge is made or created without such previous consent after the

agreement referred to in section 4 is registered, it shall not affect the right and interest of such persons.

10. Promoter to take steps for formation of co-operative society or company.—(1) As soon as a minimum number of persons required to form a co-operative society or a company have taken flats, the promoter shall, within the prescribed period submit an application to the Registrar for registration of the organisation of persons who take the flats as a co-operative society or, as the case may be, as company; and the promoter shall join, in respect of the flats which have not been taken, in such application for membership of a co-operative society or as the case may be of a company. Nothing in this section shall affect the right of the promoter to dispose of the remaining flats in accordance with the provisions of this Act.

(2) If any property consisting of building or buildings is constructed or to be constructed then the promoter shall inform the Registrar as defined in the Maharashtra Co-operative Societies Act, 1960 as extended to the Union territory of Goa, Daman and Diu accordingly; and in such cases, it shall not be lawful to form any co-operative society or company.

Mah.
XXIV of
1961.

11. Promoter to convey title, etc., and execute documents, according to agreement.—A promoter shall take all necessary steps to complete his title and convey, to the organisation of persons, who take flats, which is registered either as a co-operative society or as a company as aforesaid, or to an association of flat-takers his right, title and interest in the land and building, and execute all relevant documents therefor in accordance with the agreement executed under section 4 and if no period for the execution of the conveyance is agreed upon, he shall execute the conveyance within the prescribed period and also deliver all documents of title relating to the property which may be in his possession or power.

12. General liabilities of flat-taker.—(1) Every person who has executed an agreement to take a flat shall pay at the proper time and place the price, his proportionate share of the Municipal taxes, water and electricity charges, ground rent (if any) and other public charges in accordance with his agreement with the promoter; and where a co-operative society or a company of persons taking the flats is to be constituted, co-operative in the formation of such society or company, as the case may be.

(2) Any person who has executed an agreement to take a flat and who, without reasonable excuse, fails to comply with or contravenes sub-section (1) shall, on conviction, be punished with fine which may extend to two thousand rupees.

13. Manager not to cut off, withhold, curtail or reduce essential supply or service.—(1) No person, who is a promoter, or who is in charge of management or connected with the management of a block or building of flats, whether as member of a managing committee, director, secretary or otherwise, or is responsible for the maintenance thereof (hereinafter in this section referred to as "the manager")

shall, without just and sufficient cause, either by himself or through any person, cut off, withhold, or in any manner curtail or reduce, any essential supply or service enjoyed by the person who has taken a flat (or by any person in occupation thereof through or under him) in respect of the flat taken or agreed to be taken by him.

(2) The person who has taken or agreed to take the flat or the occupier may, if the manager has contravened the provisions of sub-section (1), make an application to the Court or a direction to restore such supply or service.

(3) If the Court on enquiry finds that the applicant or the person through or under whom he is in occupation has been in enjoyment of the essential supply or service, and that it was cut off or withheld or curtailed or reduced by the manager without just and sufficient cause, the Court shall make an order directing the manager to restore such supply or service before a date to be specified in the order.

(4) The manager who fails to restore the supply or service before the date so specified, shall for each day during which the default continues thereafter, be liable upon a further direction by the Court to that effect, to fine which may extend to one hundred rupees.

(5) Notwithstanding anything contained in any law for the time being in force the Court of the Civil Judge (Senior Division) shall have jurisdiction to decide any application made under sub-section (2), and no other Court shall have jurisdiction to entertain such application. No appeal shall lie from any order made on such application but the District Court may for the purpose of satisfying itself that the order made was according to law, call for the case in which such order was made and the Court aforesaid or the District Judge or any Judge to whom the case may be referred by the District Judge shall pass such order with respect thereto as it or he thinks fit.

(6) Any manager who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

(7) The offence under sub-section (6) shall be cognizable, and shall not be triable by any Court inferior to that of a Magistrate of the First Class.

Explanation I.—In this section, essential supply or service includes the supply of water, electricity, lights in passages and on stair-cases, and lifts and conservancy or sanitary service.

Explanation II.—For the purposes of this section, withholding any essential supply or service shall include acts or omissions attributable to the manager on account of which the essential supply or service is cut off by the local authority or any other competent authority.

14. Offences by promoter.—Any promoter who, without reasonable excuse, fails to comply with or contravenes any provision of this Act or of any rule made thereunder shall where no other penalty is expressly provided for, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to two

thousand rupees, or with both; and a promoter who commits criminal breach of trust of any amount advanced or deposited with him for the purposes mentioned in section 5 shall, on conviction, be punished with imprisonment for a term which may extend to four years, or with fine, or with both.

15. Offences by companies.—(1) If the person committing an offence under this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of business by the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means a body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

16. Power to make rules.—(1) The Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) under section 3, the particulars as respects the design and the materials to be used in the construction of the building and the other information and documents to be disclosed, the manner in which disclosure to be made and the documents of which true copies shall be given by the promoter;

(b) under section 4, the particulars to be contained in the agreement for sale and the documents or copies thereof to be attached to such agreement;

(c) under section 10, the period within which the promoter shall submit an application for registration of a co-operative society or a company;

(d) under section 11, the period within which the promoter shall execute the conveyance;

(e) any other matter which has to be, or may be, prescribed by rules.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly of Goa, Daman and Diu while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the House agree in making any modification in the rule or agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

17. Act to be in addition to Transfer of Property Act and to over-ride contract to the contrary.—The provisions of this Act, except where otherwise provided, shall be in addition to the provisions of the Transfer of Property Act, 1882, and shall take effect notwithstanding anything to the contrary contained in any contract.

Central
Act IV
of 1882.

18. Application of certain provisions to flats already in existence.—As respects flats which on the commencement of this Act have already been constructed, or converted, the provisions of sections 2, 6, 8, 9, 10, 11, 12, 14, 15, 16 and 17 apply with the following modifications, that is to say—

- (a) in section 2, in clause (d), the words "means a persons who constructs" shall be read as if the words "means a person who has constructed" had been substituted;
- (b) in section 8, if the date specified or agreed to has already passed at the commencement of this Act, then the promoter shall give possession within three months from such commencement of this Act; and if for any reasons beyond his control and of his agent, the promoter has been unable to give possession of the flat within three months from such commencement, he shall give possession thereof within a period of three months thereafter, or a further period of three months if those reasons still exist; and thereafter the promoter shall be liable on demand to refund the amounts on the terms and conditions provided in the said section;
- (c) in section 9, the words and figure "after the agreement referred to in section 4 is registered" shall be read as if the words "after the commencement of this Act" had been substituted;
- (d) in section 10, the words "As soon as a minimum number of persons required to form a co-operative society or a company have taken flats, the promoter shall within

the prescribed period" shall be read as if the words "Where then minimum number of persons required to form a co-operative society or a company have taken flats, the promoter shall within three months from the commencement of this Act" had been substituted;

- (e) in section 11, the words and figure "in accordance with the agreement executed under section 4" shall be read as if the words "in accordance with any agreement made in respect thereof" had been substituted and the words "within the prescribed period" shall be read as if the words "within three months from the commencement of this Act" had been substituted.

19. Act not to apply to Housing Boards.—Nothing in this Act shall apply to the Goa, Daman and Diu Housing Board.

Statement of Objects and Reasons

Whereas after the liberation of the territory of Goa, Daman and Diu, there has been tremendous increase in population, Trade, Commerce and Industry.

Whereas the increase in population resulted in increased building activity.

Whereas number of land developers and builders have constructed high rise buildings comprising of a number of flats.

Whereas the construction activity is continuing and is likely to intensify further.

Whereas at present there being no law controlling the construction and sale and purchase of ownership flats.

Whereas it has been noticed that sundry abuses, malpractices, and difficulties relating to the promotion of the construction of and the sale and management and transfer of flats taken on ownership basis exists and are increasing.

Now, therefore it is felt expedient to bring a legislation for the regulation of the promotion of the construction, sale and management and transfer of flats, taken on ownership basis in the Union territory of Goa, Daman and Diu.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum on Delegated Legislation

Clause 16 of the Bill empowers the Government to frame rules to carry out the various provisions of the Bill. The delegation is of normal character.

Panaji,
15th July, 1983.

SHRI R. D. KHALAP
M. L. A.

Assembly Hall,
Panaji,
18th July, 1983.

M. M. NAIK
Secretary to the Legislative As-
sembly of Goa, Daman and Diu.